

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Filip Woroniecki	Team: Squad #12	CCRB Case #: 201800054	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 12/25/2017 6:04 PM	Location of Incident: 2426 Grand Avenue	Precinct: 52	18 Mo. SOL 6/25/2019	EO SOL 6/25/2019	
Date/Time CV Reported Mon, 12/25/2017 6:04 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 01/03/2018 11:08 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Anthony Terilli	28131	962132	052 PCT
2. POM John Weiglein	27760	958167	052 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Michael Whooley	02673	943951	052 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM John Weiglein	Abuse: Police Officer John Weiglein refused to provide his name and shield number to § 87(2)(b)	
B.POM Anthony Terilli	Abuse: Police Officer Anthony Terilli refused to provide his name and shield number to § 87(2)(b)	

### Case Summary

On December 25, 2018, § 87(2)(b) filed this complaint with the IAB, on her own and her § 87(2)(b) old daughter, § 87(2)(b)'s behalf. The complaint generated log number 17-51159 and was received at the CCRB on January 3, 2018.

On December 25, 2018, at 06:04 p.m., § 87(2)(b) was in front of 2426 Grand Avenue with § 87(2)(b) and her § 87(2)(b) old son, who she did not wish to identify, when her vehicle stalled and caused an accumulation of traffic. PO Anthony Terilli and PO John Weiglein of the 52<sup>nd</sup> Precinct approached § 87(2)(b)'s vehicle to ask her to move. § 87(2)(b) did not move her vehicle and the officers proceeded to write her summonses for § 87(2)(b). Through the course of the interaction, § 87(2)(b) asked PO Terilli and PO Weiglein multiple times for their names and shield numbers, which both officers allegedly failed to provide (**Allegation A and B: Abuse of Authority – Refusal to provide name and shield number**, § 87(2)(g) § 87(2)(b) called 911 and Sgt. Michael Whooley of the 52<sup>nd</sup> Precinct also responded to the location and briefly interacted with the civilians. § 87(2)(b) was issued a summons for § 87(2)(b).

There was no video footage of this incident.

### Findings and Recommendations

**Allegation A – Abuse of Authority: Police Officer John Weiglein refused to provide his name and shield number to § 87(2)(b)**

**Allegation B – Abuse of Authority: Police Officer Anthony Terilli refused to provide his name and shield number to § 87(2)(b)**

§ 87(2)(b) stated that at the time of the incident, she was seated in the front driver's seat of her vehicle and conversed with PO Terilli, who was positioned a few feet away from the front driver's window. As PO Terilli informed her that she was going to receive a summons, § 87(2)(b) stated to him, "Let me have your name and badge number and I need you to call a supervisor." PO Terilli did not verbally reply to § 87(2)(b)'s request and instead walked over to the rear of her vehicle. § 87(2)(b) stated that in total, she asked PO Terilli for his name and shield number on about three occasions, and each time, PO Terilli did not verbally respond to her request and she did not obtain his information through any other means during the incident. § 87(2)(b) also stated that PO Terilli's name and shield number were not legible on the summons and that she did not interact with PO Weiglein during the incident. Instead, § 87(2)(b) alleged that § 87(2)(b) requested PO Weiglein's information and PO Weiglein did not provide it. However, § 87(2)(b) and the officers all said that PO Weiglein's information was requested by § 87(2)(b) and not § 87(2)(b) § 87(2)(g)

§ 87(2)(b) called IAB while at the incident location and reported to IAB Officer Flores that both PO Terilli and PO Weiglein refused to provide their shield numbers (Board Review 13). In a follow up call from PO Flores, which occurred after § 87(2)(b) spoke to Sgt. Whooley and left the incident location, PO Flores asked § 87(2)(b) for the shield number of the officer who issued her the summons. § 87(2)(b) read shield number "28131" (Board Review 05). In the third IAB call, § 87(2)(b) informed PO Flores that § 87(2)(b) obtained both of the officers' names and shield numbers during the incident (Board Review 06).

In a phone statement, § 87(2)(b) stated that she overheard § 87(2)(b) ask PO Terilli and PO Weiglein for their names and shield numbers and both officers replied, “You’ll get it on paper.” § 87(2)(b) then called IAB and requested to speak to a supervisor and Sgt. Whooley responded to the incident location. § 87(2)(b) noted that after § 87(2)(b) spoke to Sgt. Whooley, PO Terilli and PO Weiglein approached § 87(2)(b) and identified themselves to her verbally. § 87(2)(b) wrote their names and shield numbers down and identified them as PO Terilli with shield number 28131 and PO Weiglein with shield number 27760 (Board Review 02).

PO Terilli interacted with § 87(2)(b) through the front driver’s side window of her vehicle. When he informed § 87(2)(b) that she was going to issue her a summons, she requested his name and shield number, which PO Terilli provided verbally. § 87(2)(b) requested PO Terilli’s name and shield number on multiple occasions throughout the incident, and each time, PO Terilli verbally identified himself and spelled his last name. PO Terilli noted that § 87(2)(b) also asked him to write his name down on a sheet of paper, which he stated he did not need to do. Instead, PO Terilli allowed § 87(2)(b) to take a photograph of his shield. PO Terilli further stated that he positioned himself behind § 87(2)(b)’s vehicle while he was filling out the summons and denied ignoring § 87(2)(b)’s request for his information. At one point in the incident, PO Terilli informed § 87(2)(b) that his name was listed on the bottom of the summons and § 87(2)(b) never complained that his name was illegible. § 87(2)(b) also asked PO Weiglein for his name and shield number on more than one occasion and PO Weiglein identified himself each time. PO Weiglein did not move his body as to turn away from either § 87(2)(b) or § 87(2)(b) and did not intentionally conceal his shield from either of the civilians (Board Review 03).

PO Weiglein stated that after Sgt. Whooley spoke with § 87(2)(b) he and PO Terilli returned to § 87(2)(b)’s window and PO Terilli handed her a summons. Upon receiving the summons, § 87(2)(b) requested PO Terilli’s and PO Weiglein’s names and shield numbers and both of them provided their shield numbers and spelled their names. PO Weiglein did not have any conversations with § 87(2)(b) and denied twisting or otherwise moving his body to cover his shield from § 87(2)(b) or § 87(2)(b). Sgt. Whooley did not order PO Weiglein and PO Terilli to identify themselves to § 87(2)(b) and PO Weiglein and PO Terilli never refused to provide their information. PO Weiglein also overheard PO Terilli inform § 87(2)(b) that his information “will be on the summons” (Board Review 04).

The handwritten summons issued to § 87(2)(b) by PO Terilli was obtained from the 52<sup>nd</sup> Precinct. The bottom of the summons listed PO Terilli’s name, rank, tax number and command information (Board Review 07).

Police officers are required to clearly state their rank, name, shield number and command or otherwise provide this information to anyone who requests it as well as to allow ample time for the person to note this information. NYPD Patrol Guide, Section 203-09 (Board Review 09).

§ 87(2)(g)

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## **Civilian and Officer CCRB Histories**

- § 87(2)(b) has filed on prior CCRB complaint (Board Review 08).
  - § 87(2)(b)
- PO Terilli has been a member of service for a year and has been the subject in one prior CCRB complaint involving one allegation, which was not substantiated § 87(2)(g) (Board Review 10).
- PO Weiglein has been a member of service for three years and has been the subject in one prior CCRB complaint involving two allegations, neither of which were substantiated § 87(2)(g) (Board Review 11).

## Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation for this case.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- As of May 2, 2018, there was no Notice of Claim filed for this complaint (Board Review 14).

Squad No.: 12

Investigator: \_\_\_\_\_ INV. WORONIECKI 05/04/2018  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_

Signature	<u>I.M. RIGIE</u> Print Title & Name	_____ Date
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Reviewer: \_\_\_\_\_

Signature \_\_\_\_\_ Print Title & Name \_\_\_\_\_ Date \_\_\_\_\_